

Message

From: John Mays [jmays@powertechuranium.com]
Sent: 12/4/2020 3:32:16 PM
To: Robinson, Valois [Robinson.Valois@epa.gov]
Subject: [SPAM-Sender] Re: Clarification of process for appeal of EPA's aquifer exemption decision associated with the Dewey Burdock UIC Class III Area Permit

Valois,

Thanks for this. Does this apply only to the Aquifer Exemption Document? Would the other documents have a 30 days deadline for filing an appeal with this ending on December 24th?

John



John M. Mays

Chief Operating Officer
Azarga Uranium Corporation/Powertech USA Inc.
P.O. Box 448
Edgemont, SD 57735
(605) 662-8308
(720) 415-0426 Cell
jmays@powertechuranium.com
www.azargauranium.com

From: "Robinson, Valois" <Robinson.Valois@epa.gov>
Date: Thursday, December 3, 2020 at 5:11 PM
Subject: Clarification of process for appeal of EPA's aquifer exemption decision associated with the Dewey Burdock UIC Class III Area Permit

To clarify the process for appeal of EPA's decision regarding the aquifer exemption associated with the EPA Dewey Burdock Class III Area Permit, EPA has updated the UIC Program website with the following information:

Appeals of the aquifer exemption associated with the Dewey Burdock Class III Area Permit must be filed in accordance with 42 USC § 300j-7, not 40 CFR § 124.19, because it is a final agency action independent from the permit. See *In re Florence Copper*, 17 EAD 406, 419 (EAB 2017). Pursuant to 40 CFR § 23.7, the 45-day period discussed in 42 USC § 300j-7(a)(2) begins two weeks after the date of signature of the aquifer exemption. Therefore, appeals of this aquifer exemption have to be filed by January 22, 2021.

<https://www.epa.gov/uic/epa-dewey-burdock-class-iii-and-class-v-injection-well-final-area-permits>

Valois Robinson
EPA Region 8
Underground Injection Control Program
MailCode: 8WD-SDU
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6276
robinson.valois@epa.gov